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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,396	05/22/2000	Sung Do	310048-499	1898

7590 10/07/2003  
Oppenheimer Wolff & Donnelly LLP  
2029 Century Park East 38th Floor  
Los Angeles, CA 90067-3024

EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A 321

# Office Action Summary

Application No.

09/575,396

Applicant(s)

DO ET AL.

Examiner

Nasser Ahmad

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 142-150, 178, 180-183, 187-189, 218, 219 and 226-262 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 142-150, 178, 180-183, 187-189, 218, 219 and 231 is/are allowed.
- 6) ☒ Claim(s) 226-230 and 232-262 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments with respect to claims 174-177, 179, 184-186, 190-217 and 220-225, which have been canceled, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 230, 232 and 238 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 230 and 238, the phrases "a bar" and "a liner sheet bar" are found to be vague and indefinite because, in the absence of any description in the specification and drawings, it is not clear as to what is being referred to by said phrases.

This rejection was previously made on canceled claim in paper no. 16, paragraph-8, mailed on March 18, 2003.

Claim 232, the phrase "slightly" is found to be indefinite in that it is not clear as to how much is considered to be "slightly".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 226-230 and 238-262 are rejected under 35 U.S.C. 102(b) as being anticipated by Chigot.

This rejection was previously made on the canceled claims in paper no. 16, paragraph-4.

Chigot relates to a label construction comprising a liner sheet (2), and a facestock (7) attached to the liner sheet. The facestock includes at least one weakened separation lines (13-15) defining at least in part a plurality of aligned facestock labels (7). The liner sheet also includes at least one weakened separation (13-15) separating it into a removable liner strip (20) and a liner body portion (2). The liner sheet bar is assumed to be (25) which is shown to be connected to strip (20).

As shown in figure-1, the label assembly is a web of multiple units and each unit comprises a label. Hence, the web would provide for a plurality of facestock labels spaced from each other and in a line, and are of the same shape and size.

Figure-1 also shows that the liner is larger than the label.

The facestock would include ties because Chigot's die-cutting of labels is not a "continuous" die-cut.

The label facestock extends out from an edge (22) of the liner sheet to read on the limitation of claim 251.

The facestock dut-lines defines a handle portion (16) separable as a unit from the liner sheet along line (17).

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The intended use phrases such as "when the liner strip is in a removed position", "when the liner strip is in attached position", "removable", etc. have not been given patentable weight as said phrases are not found to be of positive limitation.

Further, in response to applicant's arguments in amendment filed on July 15, 2003, each and every limitations have been given consideration and some of the phrases are not given patentable weight because said phrases not being of positive limitation.

Contrary to applicant's allegation, this Office Action and the last Office Action did explicitly provide reference to the elements which shows the instant claimed features. In the absence of any specific element that requires further clarification, it is unclear to the examiner as to what is not understood by the Applicant.

With regard to the Obviousness rejection in the last Office Action, it is moot in view of applicants cancellation of claims 222-225.

#### ***Allowable Subject Matter***

Claims 142-150, 178, 180-183, 187-189, 218, 219 and 231 are allowable over the prior art uncovered so far for reasons discussed in the last Office Action, paper no. 16.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

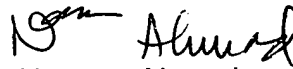
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday through Thursday from 7:30AM to 5:00PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.

October 1, 2003.